

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

Wilbert Cooley and Kandee Cooley,	:
	:
Plaintiff,	:
	:
vs.	: CIVIL ACTION NO. 06-00215-BH-M
	:
Ameritrust Mortgage, Inc.,	:
	:
Defendant.	:

PRELIMINARY SCHEDULING ORDER

In preparation for the entry of a Fed.R.Civ.P. 16(b) scheduling order, the parties shall comply with the following schedule pursuant to Fed.R.Civ.P. 26(f), and Local Rule 26.1:

A. Meeting of the Parties; Report.

1. The parties, including pro se parties, are ORDERED to meet and file a report pursuant to Fed.R.Civ.P. 26(f) as soon as practicable but not later than **July 10, 2006.**

2. The parties may, if the offices of their principal counsel are not within 100 miles of one another, conduct the meeting by telephone.

3. The report of the parties shall conform to this Court's format, a copy of which is attached to this order.

B. Rule 26 Disclosures.

1. Required Disclosures.

a. Initial Disclosures. Except as otherwise ordered by the Court, a party shall, without awaiting a discovery request, provide the information described in Fed.R.Civ.P. 26(a)(1)(A-D) **not later than twenty (20) days** after the meeting of the parties.

2. Filing. Except as otherwise ordered by the Court, disclosures under Fed.R.Civ.P. 26(a)(1), (2) and (3) shall be filed with the Court only when, and to the extent, ordered by the Court or when needed by a party in connection with a motion (or response thereto), or for use at trial.

C. Commencement of Discovery. Except as otherwise ordered by the Court:

1. Formal discovery under Fed.R.Civ.P. 30, 31, 33, 34, and 36 may not be commenced before the meeting of the parties except in the following actions:

(a) Actions in which a temporary restraining order or preliminary injunction is sought;

(b) Actions in which discovery is needed to resolve a preliminary motion such as an objection to personal jurisdiction or venue.

ORDERED this 24th day of May, 2006.

BERT W. MILLING, JR.
UNITED STATES MAGISTRATE JUDGE

By /s/Angela Kraver
Deputy Clerk

Local Form For Report of Parties' Planning Meeting

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

_____,
Plaintiff,
vs. _____,
Defendant.

:
:
: CIVIL ACTION _____
:
:

REPORT OF PARTIES' PLANNING MEETING

Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on (date) at (place) and was attended by:

(name) for plaintiff(s)
(name) for defendant(s) (party name)
(name) for defendant(s) (party name)

The parties [request] [do not request] a conference with the court before entry of the scheduling order.

1. Plaintiff's brief narrative statement of the facts and the cause of action stated in each count, which includes the theory of each count; defendant's brief narrative statement of the facts and defenses, including affirmative defenses, stating the theory of each defense; and third-party plaintiffs and defendants and/or intervenors' brief narrative statement of the facts in their causes of actions or defenses, interests, etc., in this action.

2. This [jury] [non-jury] action should be ready for trial by (date) and at this time is expected to take approximately (length of time in days excluding jury selection).

3. The parties request a pretrial conference in (month and year).

4. Discovery Plan. The parties jointly propose to the court the following discovery plan: [Use separate paragraphs or subparagraphs as necessary if parties disagree.]

Discovery will be needed on the following subjects: (brief description of subjects on which discovery will be needed).

All discovery commenced in time to be completed by (date). [Discovery on (issue for early discovery) to be completed by (date).]

5. Initial Disclosures. The parties [have exchanged] [will exchange by (date)] the information required by Fed.R.Civ.P. 26(a)(1).

6. The parties request until (date) to join additional parties and amend the pleadings.
7. Reports from retained experts under Rule 26(a)(2) due:
from plaintiff(s) by (date).
from defendant(s) by (date).
8. Pretrial Disclosures. Final lists of witnesses and exhibits under Rule 26(a)(3)
due by (date).
9. Discovery Limits.
Maximum of ____ interrogatories by each party to any other party. Responses due
____ days after service.
Maximum of ____ depositions by plaintiff(s) and ____ by defendant(s). Each
deposition limited to maximum of ____ hours unless extended by agreement of
parties.
Maximum of ____ requests for admission by each party to any other party.
Responses due ____ days after service.
Maximum of ____ requests for production of documents by each party to any other
party. Responses due ____ days after service.
10. All potentially dispositive motions filed by (date).
11. Settlement [is likely] [is unlikely] [cannot be evaluated prior to (date)] [may be
enhanced by use of the following alternative dispute resolution procedure: ____].
12. [Other matters.]

Date: _____

Name
Counsel for Plaintiff
Address
Telephone Number

Name
Counsel for Defendant
Address
Telephone Number

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA**

**NOTICE OF RIGHT TO CONSENT TO THE EXERCISE OF CIVIL
JURISDICTION BY A MAGISTRATE JUDGE AND APPEAL OPTION**

ACTIVE JUDGES:	Callie V. S. Granade -CG; Charles R. Butler, Jr.-CB; William H. Steele-WS
SENIOR JUDGES:	Virgil Pittman-P; W.B. Hand-BH
MAGISTRATES:	William E. Cassady-C; Bert W. Milling, Jr.-M; Kristi D. Lee - L; Sonja F. Bivens - B

The policy of this court is to assign each newly filed civil case a number accompanied by letter suffixes which reflect the initial(s) of the assigned District Judge followed by the initials of the assigned Magistrate Judge (i.e. CIVIL ACTION NO. 98-0000-CB-C would be assigned to Judge Butler and Magistrate Judge Cassady).

In accordance with the provisions of 28 U.S.C., Sec. 636(c), the United States Magistrate Judges of this district, in addition to their other duties, upon the consent of all parties in a civil case, may conduct any or all proceedings including a jury trial or non-jury trial, and order the entry of a final judgment.

Your decision to consent, or not, to the referral of your case to a United States Magistrate Judge must be entirely voluntary, as provided in Rule 73(b), F.R. Civ. P.

Pursuant to the provisions of 28 U.S.C., Sec. 636(c)(3), any appeal from a judgment entered by a Magistrate Judge shall be taken directly to the United States Court of Appeals for the Eleventh Circuit in the same manner as an appeal from any other judgment of the district court.

A copy of the court's form *Consent to Jurisdiction by a United States Magistrate Judge* is attached and is also available from the clerk of court.

**CHARLES R. DIARD, JR., CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA**

**NOTICE, CONSENT, AND ORDER OF REFERENCE -
EXERCISE OF JURISDICTION BY A UNITED STATES
MAGISTRATE JUDGE**

Plaintiff(s)

vs.

Case Number: _____

Defendant(s)

**NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION**

In accordance with the provisions of Title 28, U.S. C. 636(c), and Fed.R.Civ.P.73, you are notified that a United States Magistrate Judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a Magistrate Judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a Magistrate Judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any Magistrate Judge or to the District Judge to whom the case has been assigned.

An appeal from a judgment entered by a Magistrate Judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

CONSENT TO EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. 636(c) and Fed.R.Civ.P.73, the parties in this case consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including the trial, and order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented	Signatures	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

ORDER OF REFERENCE

IT IS HEREBY ORDERED that this case be referred to _____,
United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28
U.S.C. 636(c) and Fed.R.Civ.P.73.

Date

United States District Judge

**NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED ON THIS FORM TO THE
EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.**